

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

SOO LINE RAILROAD COMPANY,	)	
d/b/a CANADIAN PACIFIC,	)	Case No. 2:17-cv-106
	)	
Plaintiff,	)	Judge Rudy Lozano
	)	
v.	)	Magistrate Judge Andrew Rodovich
	)	
CONSOLIDATED RAIL CORPORATION, et al.,	)	
	)	
Defendants.	)	

**MOTION OF DEFENDANTS CONSOLIDATED RAIL CORPORATION, NORFOLK  
SOUTHERN RAILWAY COMPANY, AND CSX TRANSPORTATION, INC.,  
TO DISMISS THE AMENDED COMPLAINT AND TO DISMISS OR STRIKE  
THE AMENDED COMPLAINT'S REQUESTS FOR RELIEF**

For the reasons set forth in the accompanying brief, Defendants Consolidated Rail Corporation, Norfolk Southern Railway Company, and CSX Transportation, Inc. (collectively, the “Moving Defendants”) move under Federal Rule of Civil Procedure 12(b)(6) to dismiss the Amended Complaint with prejudice because the Amended Complaint fails to state a claim for relief. In the alternative, the Moving Defendants move under Federal Rules of Civil Procedure 12(b)(6) and 12(f) to dismiss with prejudice or to strike the Amended Complaint’s requests for relief that are unavailable as a matter of law.

WHEREFORE, the Court should dismiss the Amended Complaint with prejudice. Alternatively, the Court should dismiss with prejudice or strike the Amended Complaint’s requested remedies that are unavailable as a matter of law.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 3, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

s/ Lori E. Lightfoot